

GIBSON, DUNN & CRUTCHER LLP  
THEODORE J. BOUTROUS, JR., SBN 132099  
tboutrous@gibsondunn.com  
THEANE D. EVANGELIS, SBN 243570  
tevangelis@gibsondunn.com  
DHANANJAY MANTHRIPRAGADA, SBN 254433  
dmanthripragada@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

JOSHUA S. LIPSHUTZ, SBN 242557  
jlipshutz@gibsondunn.com  
KEVIN J. RING-DOWELL, SBN 278289  
kringdowell@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

Attorneys for Defendants  
UBER TECHNOLOGIES, INC. and  
TRAVIS KALANICK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS O'CONNOR, et al., individually  
and on behalf of all others similarly situated,  
Plaintiffs,

v.

UBER TECHNOLOGIES, INC.,  
Defendant.

HAKAN YUCESoy, et al., individually and  
on behalf of all others similarly situated,  
Plaintiffs,

v.

UBER TECHNOLOGIES, INC., et al.  
Defendants.

CASE NO. 13-cv-03826-EMC  
CASE NO. 15-cv-00262-EMC

**RESPONSE TO ORDER RE  
SUPPLEMENTAL BRIEFING ON  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL**

*O'Connor* Docket No. 669  
*Yucesoy* Docket No. 226

**RESPONSE TO SUPPLEMENTAL BRIEFING ORDER**

On May 31, 2016, the Court issued a supplemental briefing order directing Plaintiffs to file their supplemental Private Attorney General Act (“PAGA”) notice, sent on April 21, 2016, and ordering the parties to submit responses to two questions. *O’Connor*, Dkt. 669; *Yucesoy*, Dkt. 226. In response, Defendants Uber Technologies, Inc. and Travis Kalanick (together, “Defendants”) state as follows:

1) In total, approximately [REDACTED] in the United States have accepted Technology Service Agreements with Uber USA or Rasier LLC containing the December 2015 Arbitration Provision, including approximately 242,803 drivers in California and 42,773 drivers in Massachusetts.<sup>1</sup>

2) Since the Court issued its Rule 23(d) order on December 23, 2015, current and prospective drivers signing up to use the Uber software application have received Technology Service Agreements containing Uber’s December 2015 Arbitration Provision. Uber estimates that approximately [REDACTED] drivers nationwide have accepted service agreements containing Uber’s December 2015 Arbitration Provision, since 12:00 a.m. on December 24, 2015.

Dated: June 1, 2016

GIBSON, DUNN & CRUTCHER LLP  
THEODORE J. BOUTROUS, JR.

By: /s/ Theodore J. Boutrous, Jr.  
Theodore J. Boutrous, Jr.

Attorneys for Defendants UBER TECHNOLOGIES,  
INC. AND TRAVIS KALANICK

<sup>1</sup> Uber is providing this Court with the number of drivers who accepted these agreements according to Uber’s electronic records, rather than the number of individuals to whom such agreements were disseminated, because Uber is not able to accurately calculate the number of individuals who received and/or viewed the agreements without accepting them.

**ECF ATTESTATION**

I, Kevin J. Ring-Dowell, attest that concurrence in the filing of this document has been obtained from Theodore J. Boutrous Jr., which shall serve in lieu of his signature on the document. Signed this 1st day of June, 2016.

By: /s/ Kevin J. Ring-Dowell  
Kevin J. Ring-Dowell